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By: **Calvert County Delegation**

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Committee Report: Favorable

House action: Adopted

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Calvert County - Public Facilities Bonds**

3 FOR the purpose of authorizing and empowering the County Commissioners of  
4 Calvert County, from time to time, to borrow not more than \$5,100,000 in order  
5 to finance the construction, improvement, or development of certain public  
6 facilities in Calvert County, as herein defined, and to effect such borrowing by  
7 the issuance and sale at public or private sale of its general obligation bonds in  
8 like par amount; empowering the County to fix and determine, by resolution,  
9 the form, tenor, interest rate or rates or method of determining the same, terms,  
10 conditions, maturities, and all other details incident to the issuance and sale of  
11 the bonds; empowering the County to issue refunding bonds for the purchase or  
12 redemption of bonds in advance of maturity; empowering and directing the  
13 County to levy, impose, and collect, annually, ad valorem taxes in rate and  
14 amount sufficient to provide funds for the payment of the maturing principal of  
15 and interest on the bonds; exempting the bonds and refunding bonds and the  
16 interest thereon and any income derived therefrom from all State, county,  
17 municipal, and other taxation in the State of Maryland; providing that nothing  
18 in this Act shall prevent the County from authorizing the issuance and sale of  
19 bonds the interest on which is not excludable from gross income for federal  
20 income tax purposes; and relating generally to the issuance and sale of such  
21 bonds.

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
23 MARYLAND, That, as used herein, the term "County" means the body politic and  
24 corporate of the State of Maryland known as the County Commissioners of Calvert  
25 County, and the term "construction, improvement, or development of public facilities"  
26 means the acquisition, alteration, construction, reconstruction, enlargement,  
27 equipping, expansion, extension, improvement, rehabilitation, renovation, upgrading,

1 and repair of public buildings and facilities, including, but not limited to the  
2 Sunderland Elementary School, Prince Frederick Library, Cove Point swimming pool,  
3 and issuance costs together with the costs of acquiring land or interests in land as  
4 well as any related architectural, financial, legal, planning, or engineering services.

5 SECTION 2. AND BE IT FURTHER ENACTED, That the County is hereby  
6 authorized to finance any part or all of the costs of the public facilities described in  
7 Section 1 of this Act, and to borrow money and incur indebtedness for that purpose, at  
8 one time or from time to time, in an amount not exceeding, in the aggregate,  
9 \$5,100,000 and to evidence such borrowing by the issuance and sale upon its full faith  
10 and credit of general obligation bonds in like par amount, which may be issued at one  
11 time or from time to time, in one or more groups or series, as the County may  
12 determine.

13 SECTION 3. AND BE IT FURTHER ENACTED, That the bonds shall be  
14 issued in accordance with a resolution of the County, which shall describe generally  
15 the construction, improvement, or development of public facilities for which the  
16 proceeds of the bond sale are intended and the amount needed for those purposes. The  
17 County shall have and is hereby granted full and complete authority and discretion in  
18 the resolution to fix and determine with respect to the bonds of any issue: the  
19 designation, date of issue, denomination or denominations, form or forms, and tenor  
20 of the bonds which, without limitation, may be issued in registered form within the  
21 meaning of Section 30 of Article 31 of the Annotated Code of Maryland, as amended;  
22 the rate or rates of interest payable thereon, or the method of determining the same,  
23 which may include a variable rate; the date or dates and amount or amounts of  
24 maturity, which need not be in equal par amounts or in consecutive annual  
25 installments, provided only that no bond of any issue shall mature later than 30 years  
26 from the date of its issue; the manner of selling the bonds, which may be at either  
27 public or private sale, for such price or prices as may be determined to be for the best  
28 interests of Calvert County; the manner of executing and sealing the bonds, which  
29 may be by facsimile; the terms and conditions, if any, under which bonds may be  
30 tendered for payment or purchase prior to their stated maturity; the terms or  
31 conditions, if any, under which bonds may or shall be redeemed prior to their stated  
32 maturity; the place or places of payment of the principal of and the interest on the  
33 bonds, which may be at any bank or trust company within or without the State of  
34 Maryland; covenants relating to compliance with applicable requirements of federal  
35 income tax law, including (without limitation) covenants regarding the payment of  
36 rebate or penalties in lieu of rebate; covenants relating to compliance with applicable  
37 requirements of federal or state securities laws; and generally all matters incident to  
38 the terms, conditions, issuance, sale, and delivery thereof.

39 The bonds may be made redeemable before maturity, at the option of the County,  
40 at such price or prices and under such terms and conditions as may be fixed by the  
41 County prior to the issuance of the bonds, either in the resolution or in a bond order  
42 pursuant to the bond resolution. The bonds may be issued in registered form and  
43 provision may be made for the registration of the principal only. In case any officer  
44 whose signature appears on any bond ceases to be such officer before the delivery  
45 thereof, such signature shall nevertheless be valid and sufficient for all purposes as if  
46 he had remained in office until such delivery. The bonds and the issuance and sale

1 thereof shall be exempt from the provisions of Sections 9, 10, and 11 of Article 31 of  
2 the Annotated Code of Maryland, as amended.

3 The County may enter into agreements with agents, banks, fiduciaries,  
4 insurers, or others for the purpose of enhancing the marketability of any security for  
5 the bonds and for the purpose of securing any tender option that may be granted to  
6 holders of the bonds, all as may be determined and presented in the aforesaid  
7 resolution, which may (but need not) state as security for the performance by the  
8 County of any monetary obligations under such agreements the same security given  
9 by the County to bondholders for the performance by the County of its monetary  
10 obligations under the bonds.

11 If the County determines in the resolution to offer any of the bonds by  
12 solicitation of competitive bids at public sale, the resolution shall fix the terms and  
13 conditions of the public sale and shall adopt a form of notice of sale, which shall  
14 outline the terms and conditions, and a form of advertisement, which shall be  
15 published in one or more daily or weekly newspapers having a general circulation in  
16 the County and which may also be published in one or more journals having a  
17 circulation primarily among banks and investment bankers. At least one publication  
18 of the advertisement shall be made not less than 10 days before the sale of the bonds.

19 Upon delivery of any bonds to the purchaser or purchasers, payment therefor  
20 shall be made to the Treasurer of Calvert County or such other official of Calvert  
21 County as may be designated to receive such payment in a resolution passed by the  
22 County before such delivery.

23 SECTION 4. AND BE IT FURTHER ENACTED, That the net proceeds of the  
24 sale of bonds shall be used and applied exclusively and solely for the acquisition,  
25 construction, improvement, or development of public facilities for which the bonds are  
26 sold. If the amounts borrowed shall prove inadequate to finance the projects described  
27 in the resolution, the County may issue additional bonds with the limitations hereof  
28 for the purpose of evidencing the borrowing of additional funds for such financing,  
29 provided the resolution authorizing the sale of additional bonds shall so recite, but if  
30 the net proceeds of the sale of any issue of bonds exceeds the amount needed to  
31 finance the projects described in the resolution, the excess funds so borrowed and not  
32 expended shall be applied to the payment of the next principal maturity of the bonds  
33 or to the redemption of any part of the bonds which have been made redeemable or to  
34 the purchase and cancellation of bonds, unless the County shall adopt a resolution  
35 allocating the excess funds to the acquisition, construction, improvement, or  
36 development of other public facilities, as defined and within the limits set forth in this  
37 Act.

38 SECTION 5. AND BE IT FURTHER ENACTED, That the bonds hereby  
39 authorized shall constitute, and they shall so recite, an irrevocable pledge of the full  
40 faith and credit and unlimited taxing power of the County to the payment of the  
41 maturing principal of and interest on the bonds as and when they become payable. In  
42 each and every fiscal year that any of the bonds are outstanding, the County shall  
43 levy or cause to be levied ad valorem taxes upon all the assessable property within the  
44 corporate limits of the County in rate and amount sufficient to provide for or assure

1 the payment, when due, of the principal of and interest on all the bonds maturing in  
2 each such fiscal year and, in the event the proceeds from the taxes so levied in any  
3 such fiscal year shall prove inadequate for such payment, additional taxes shall be  
4 levied in the succeeding fiscal year to make up any such deficiency. The County may  
5 apply to the payment of the principal of and interest on any bonds issued hereunder  
6 any funds received by it from the State of Maryland, the United States of America,  
7 any agency or instrumentality thereof, or from any other source, if such funds are  
8 granted for the purpose of assisting the County in financing the acquisition,  
9 construction, improvement, or development of the public facilities defined in this Act  
10 and, to the extent of any such funds received or receivable in any fiscal year, the taxes  
11 that are required to be levied may be reduced accordingly.

12 SECTION 6. AND BE IT FURTHER ENACTED, That the County is further  
13 authorized and empowered, at any time and from time to time, to issue its bonds in  
14 the manner hereinabove described for the purpose of refunding, by payment at  
15 maturity or upon purchase or redemption, any bonds issued hereunder. The validity  
16 of any such refunding bonds shall in no way be dependent upon or related to the  
17 validity or invalidity of the obligations so refunded. The powers herein granted with  
18 respect to the issuance of bonds shall be applicable to the issuance of refunding bonds.  
19 Such refunding bonds may be issued by the County in such an amount as shall be  
20 necessary for the purpose of providing it with funds to pay any of its outstanding  
21 bonds issued hereunder at maturity, for the purpose of providing it with funds to  
22 purchase in the open market any of its outstanding bonds issued hereunder, prior to  
23 the maturity thereof, or for the purpose of providing it with funds for the redemption  
24 prior to maturity of any outstanding bonds issued hereunder which are, by their  
25 terms, redeemable, for the purpose of providing it with funds to pay interest on any  
26 outstanding bonds issued hereunder prior to their payment at maturity of purchase  
27 or redemption in advance of maturity, or for the purpose of providing it with funds to  
28 pay any redemption or purchase premium in connection with the refunding of any of  
29 its outstanding bonds issued hereunder. The proceeds of the sale of any such  
30 refunding bonds shall be segregated and set apart by the County as a separate trust  
31 fund to be used solely for the purpose of paying the purchase or redemption prices of  
32 the bonds to be refunded.

33 SECTION 7. AND BE IT FURTHER ENACTED, That the County may, prior  
34 to the preparation of definitive bonds, issue interim certificates or temporary bonds,  
35 exchangeable for definitive bonds when such bonds have been executed and are  
36 available for such delivery, provided, however, that any such interim certificates or  
37 temporary bonds shall be issued in all respects subject to the restrictions and  
38 requirements set forth in this Act. The County may, by appropriate resolution,  
39 provide for the replacement of any bonds issued hereunder which shall have become  
40 mutilated or lost or destroyed upon such conditions and after receiving such  
41 indemnity as the County may require.

42 SECTION 8. AND BE IT FURTHER ENACTED, That any and all obligations  
43 issued pursuant to the authority of this Act, their transfer, the interest payable  
44 thereon, and any income derived therefrom in the hands of the holders thereof from  
45 time to time (including any profit made in the sale thereof) shall be and are hereby  
46 declared to be at all times exempt from State, county, municipal, or other taxation of

1 every kind and nature whatsoever within the State of Maryland. Nothing in this Act  
2 shall prevent the County from authorizing the issuance and sale of bonds the interest  
3 on which is not excludable from gross income for federal income tax purposes.

4 SECTION 9. AND BE IT FURTHER ENACTED, That the authority to borrow  
5 money and issue bonds conferred on the County by this Act shall be deemed to provide  
6 an additional and alternative authority for borrowing money and shall be regarded as  
7 supplemental and additional to powers conferred upon the County by other laws and  
8 shall not be regarded as in derogation of any power now existing; and all Acts of the  
9 General Assembly of Maryland heretofore passed authorizing the County to borrow  
10 money are hereby continued to the extent that the powers contained in such Acts have  
11 not been exercised, and nothing contained in this Act may be construed to impair, in  
12 any way, the validity of any bonds that may have been issued by the County under the  
13 authority of any said Acts, and the validity of the bonds is hereby ratified, confirmed,  
14 and approved. This Act, being necessary for the welfare of the inhabitants of Calvert  
15 County, shall be liberally construed to effect the purposes hereof. All Acts and parts of  
16 Acts inconsistent with the provisions of this Act are hereby repealed to the extent of  
17 such inconsistency.

18 SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take  
19 effect June 1, 2004.